

available to Mobil that would allow its proposed activity to be carried out in a manner consistent with the State's CMP.

Regarding Ground II, the decision finds that neither Mobil nor any Federal agency commenting on this ground specifically identified or explained how Mobil's inability to proceed with its proposed SPOE activity would significantly impair a national defense or other national security interest.

Because Mobil's propose SPOE satisfies all four of the requirements of Ground I, the Secretary's decision overrides the State's objections to Mobil's proposal for one additional exploratory well. Consequently, in deciding whether to permit the exploration activity proposed in Mobil's SPOE, MMS is not constrained by the States' objections under the CZMA. Copies of the decision may be obtained from the office listed below.

FOR ADDITIONAL INFORMATION CONTACT: Michael I. Weiss, Attorney-Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1305 East-West Highway, Suite 6110, Silver Spring, Maryland 20910, (301) 713-2967.

Dated: August 7, 1995.

Terry D. Garcia,
General Counsel.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance.)

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International Trade Administration

[A-351-605]

Notice of Preliminary Results of Antidumping Duty Administrative Review: Frozen Concentrated Orange Juice From Brazil

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: August 14, 1995.

SUMMARY: In response to timely requests for an administrative review by the respondents, Branco Peres Citrus, S.A. (Branco) and CTM Citrus S.A. (CTM), formerly Citropectina, S.A., the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on frozen concentrated orange juice (FCOJ) from Brazil. This review covers two manufacturers/exporters of FCOJ to the United States during the period May 1,

1992, through April 30, 1993. We preliminarily determine the dumping margins for Branco and CTM during this period to be 2.52 and 0.98 percent, respectively. We invite interested parties to comment on these preliminary results.

FOR FURTHER INFORMATION CONTACT: Donna Berg or Greg Thompson, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0114 or 482-3003, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 5, 1987, the Department published in the **Federal Register** an antidumping duty order on FCOJ from Brazil (52 FR 16426). The Department published in the **Federal Register** on April 28, 1993 a notice of "Opportunity to Request Administrative Review" (58 FR 25802) of the antidumping duty order on FCOJ from Brazil for the period of review (POR), May 1, 1992, through April 30, 1993. On May 28, 1993, manufacturers/exporters, Branco and CTM, requested an administrative review for this POR. Branco also submitted a timely request for revocation of the antidumping duty order. The manufacturer/exporter, Frutropic/COINBRA, requested an administrative review for this POR on June 1, 1993. Accordingly, the Department initiated an administrative review on June 25, 1993, (58 FR 34414) with respect to Branco and CTM. On August 24, 1993, (58 FR 44653), we initiated a review with respect to Frutropic/COINBRA.

The Department issued an antidumping questionnaire to Branco, CTM and Frutropic/COINBRA on September 22, 1993. On October 11, 1994, the Department revoked the order with respect to Frutropic/COINBRA in the final results of the administrative review for the 1991 through 1992 POR (59 FR 53137, 53138, October 21, 1994).

Branco and CTM, on November 2 and 24, 1994, respectively, submitted their responses to the Department's questionnaire. On April 14, 1994, the Department issued a supplemental questionnaire to both Branco and CTM. Branco and CTM submitted their responses to these supplemental questionnaires on May 12, 1994.

Verification of the factual information submitted by Branco in this review was conducted on June 22 and 23, 1994.

The Department issued a section D, cost of production/constructed value,

questionnaire to Branco and CTM on August 5, 1994, because our preliminary analysis indicated that for certain U.S. sales, contemporaneous third country sales were unavailable for comparison purposes. Branco and CTM submitted comments regarding how foreign market value should be calculated in this review on August 17 and 18, 1994, respectively. (Note: whereas the Department initially believed that section D information was necessary, the Department subsequently revised its determination of the most appropriate methodology to apply in this review. See the "Foreign Market Value" section of this notice.)

On September 6, 1994, the Department requested clarification of both Branco's and CTM's responses. Branco and CTM submitted their responses in September 1994. The Department requested further information of both respondents on February 14 and March 15, 1995. Branco and CTM provided this information in March 1995.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

Scope of Review

Imports covered by this review are shipments of FCOJ from Brazil. The merchandise is currently classifiable under item 2009.11.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and Customs purposes, our written description of the scope of this review is dispositive.

Fair Value Comparisons

To determine whether sales by Branco and CTM were made at less than fair value (LTFV), we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

United States Price

We based USP on purchase price, in accordance with section 772(b) of the Tariff Act, as amended (1994) (The Act), because all of Branco's and CTM's U.S. sales to the first unrelated purchaser took place prior to importation into the United States and exporter's sales price methodology was not otherwise indicated.

We calculated purchase price based on packed FOB prices to unrelated customers in the United States. We

made deductions, where appropriate, for foreign inland freight and Brazilian port charges.

Foreign Market Value

In order to determine whether there were sufficient sales of FCOJ in the home market to serve as a viable basis for calculating FMV, we compared each respondents' volume of home market sales of FCOJ to the volume of third country sales in accordance with section 773(a)(1)(B) of the Act. We found that the home market was not viable for either of the respondents. Based on each respondent's questionnaire response, we selected the Netherlands and Germany as the appropriate third country markets for Branco and CTM, respectively, in accordance with 19 CFR 353.49(b) (see November 2, 1993, submission (page three and exhibit B) and November 24, 1993, submission (page four)).

In accordance with 19 CFR 353.49(a)(1), we calculated FMV for both respondents based on third country FOB sales or offers for sale. If a contemporaneous third country sale was available, we based FMV on the third country sale. Where contemporaneous third country sales were not available, we based FMV on the applicable minimum export price¹ as a third country offer for sale. (See Preliminary Results Concurrence Memorandum, dated June 27, 1995.) We made deductions, where appropriate, for foreign inland freight, port charges and storage. In accordance with section 773(a)(1) of the Act, we deducted, as appropriate, third country packing costs and added U.S. packing costs (packing costs were not incurred on bulk sales). We made circumstance-of-sale adjustments, where appropriate, for differences in commission and credit expenses. The values used for these adjustments varied depending on whether an actual third country sale or third country offer for sale was used. For actual third country sales, we used the reported transaction-specific amounts. For third country offers for sale, we relied on weighted-average POR values of reported third-country charges.

Since Branco's and CTM's prices are linked to the minimum export price, we used FMV periods shorter than a month

(see Preliminary Results Concurrence Memorandum, dated June 27, 1995). These shorter periods were used because the price volatility of minimum export prices within POR months was significant enough to have artificially increased or decreased dumping margins (see *Frozen Concentrated Orange Juice from Brazil: Final Results of Antidumping Duty Administrative Review and Revocation of Order in Part*, (59 FR 53137, October 21, 1994)). Periods were created based on a change in the minimum export price throughout the continuum of the POR (see Preliminary Results Concurrence Memorandum, dated June 27, 1995).

Preliminary Results of the Review

As a result of this review, we preliminarily determine the dumping margins to be:

Manufacturer/ exporter	Time period	Margin (per- cent)
Branco	5/1/92-4/30/93	2.52
CTM	5/1/92-4/30/93	0.98

Individual differences between USP and FMV may vary from the percentages stated above. Upon completion of this administrative review, the Department will issue appraisal instructions directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of FCOJ entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be that established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the manufacturer is such a firm, the cash deposit rate will be the rate established for the most recent period for the manufacturer of FCOJ.

On May 25, 1993, the Court of International Trade (CIT) in *Floral Trade Council v. United States*, Slip Op. 93-79, and *Federal-Mogul Corporation v. United States*, Slip Op. 93-83, decided that once an "all others" rate is established for a company, it can only be changed through an administrative review. The Department has determined that in order to implement these decisions, it is appropriate to reinstate

the original "all others" rate from the LTFV investigation (or that rate as amended for correction of clerical errors or as a result of litigation) in proceedings governed by antidumping duty orders for the purposes of establishing cash deposits in all current and future administrative reviews. Because this proceeding is governed by an antidumping duty order, the "all others" rate for the purposes of this review will be 1.96 percent *ad valorem*, the "all others" rate established in the LTFV investigation (52 FR 8324, March 17, 1987).

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Public Comment

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B-099, within ten days of publication. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed.

In accordance with 19 CFR 353.38, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary no later than August 25, 1995, and rebuttal briefs no later than August 29, 1995. A public hearing, if requested, will be held on August 31, 1995, at 10:00 am at the U.S. Department of Commerce, in Room 1851, 14th Street and Constitution Avenue, NW, Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours prior to the scheduled time. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs. The Department will publish a notice of final results of this administrative review, including an analysis of issues raised in any written comments.

This result is published pursuant to section 751(a)(1) of the Act and 19 CFR 353.22.

¹ The minimum export price is a floor price set by the Carteira do Comércio Exterior do Banco do Brasil (CACEX), the export department of the Bank of Brazil. Minimum export prices are based on the price of FCOJ on the New York Cotton Exchange. Because the price movements of FCOJ on the futures market are irregular, the minimum export price may remain the same or change several times within a month. It should be noted that during the POR of this sixth review, both Branco and CTM sold FCOJ at the minimum export price.

Dated: August 8, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

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[A-412-803]

Industrial Nitrocellulose From the United Kingdom; Amendment of Final Results of Antidumping Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of amendment of final results of Antidumping Duty Administrative Review.

SUMMARY: We are amending our final results of administrative review of the antidumping duty order on industrial nitrocellulose (INC) from the United Kingdom published on December 28, 1994, to reflect the correction of a ministerial error made in the margin calculation in those final results. We are publishing this amendment to the final results in accordance with 19 CFR 353.28(c).

EFFECTIVE DATE: August 14, 1995.

FOR FURTHER INFORMATION CONTACT: Rebecca Trainor or Maureen Flannery of the Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482-4733.

SUPPLEMENTARY INFORMATION:

Background

The review covers one exporter, Imperial Chemical Industries PLC, and the period July 1, 1992 through June 30, 1993. The Department of Commerce (the Department) published the preliminary results on May 12, 1994 (59 FR 24684), and the final results on December 28, 1994 (59 FR 66902).

Scope of Review

This review covers shipments of INC from the United Kingdom. INC is a dry, white, amorphous synthetic chemical with a nitrogen content between 10.8 and 12.2 percent, which is produced from the reaction of cellulose with nitric acid. It is used as a film-former in coatings, lacquers, furniture finishes, and printing inks. INC is currently classifiable under Harmonized Tariff Schedule (HTS) item number 3912.20.00. The HTS subheading is provided for convenience and U.S. Customs Service purposes. The written

description remains dispositive. The scope of the antidumping order does not include explosive grade nitrocellulose, which has a nitrogen content of greater than 12.2 percent.

Amended Final Results

On January 4, 1995, the petitioner, the Aqualon Company, alleged that the Department had committed a ministerial error in calculating the final antidumping duty margin. The petitioner alleged that the Department had double-counted the home market commission offset. We have reviewed this allegation, and agree with petitioner. We have therefore amended our final results for this ministerial error.

Final Results of Review

Upon review of the allegation submitted, the Department has determined that the following margin exists for the period July 1, 1992 through June 30, 1993:

Manufacturer/exporter	Time period	Margin (percent)
Imperial Chemical Industries PLC	7/1/92-6/30/93	6.62

The Customs Service shall assess antidumping duties on all appropriate entries. Individual differences between U.S. price and foreign market value may vary from the percentage stated above. The Department will issue appraisal instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of this notice of amended final results of review for all shipments of INC from the United Kingdom entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act of 1930, as amended: (1) The cash deposit rate for the reviewed company will be the rate listed above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this or a previous review or the less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established in the LTFV investigation for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all others" rate of 11.13 percent established in the final notice of the LTFV investigation.

Unless otherwise stated, all citations to the statutes and to the Department's regulations are references to the provisions as they existed on December 31, 1994. This administrative review and notice are in accordance with section 751(f) of the Act (19 U.S.C. 1673(d)) and section 353.28(c) of the Department's regulations.

Dated: August 4, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95-20029 Filed 8-11-95; 8:45 am]

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[A-351-505]

Certain Malleable Cast Iron Pipe Fittings From Brazil; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On February 22, 1995, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on certain malleable cast iron pipe fittings from Brazil. This review covers Industria de Fundacao Tupy S.A. (Tupy), a manufacturer and exporter of this merchandise to the United States, and the period May 1, 1993 through April 30, 1994. The firm failed to submit a response to our questionnaire. As a result, we determined to use the best information otherwise available (BIA) for cash deposit and assessment purposes.

We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of the comments received, we have made certain changes for the final results.

EFFECTIVE DATE: August 14, 1995.

FOR FURTHER INFORMATION CONTACT:

Thomas E. Schauer or Richard Rimlinger, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482-4852/4477.

SUPPLEMENTARY INFORMATION:

Background

On May 4, 1994, the Department published in the **Federal Register** (59